

MAG

**U.S. District Court  
Western District of Pennsylvania (Erie)  
CIVIL DOCKET FOR CASE #: 1:03-cv-00312-SJM-SPB**

VIVAS-MORALES v. FEDERAL BUREAU OF PR, et al  
Assigned to: Judge Sean J. McLaughlin  
Referred to: Magistrate Judge Susan Paradise Baxter  
Demand: \$0  
Cause: 42:1983pr Prisoner Civil Rights

Date Filed: 10/01/2003  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**MARVIN ALBERTO VIVAS-MORALES**

represented by **MARVIN ALBERTO VIVAS-MORALES**  
84818  
York County Prison  
3400 Concord Road  
York, PA 17402  
PRO SE

V.

**Defendant**

**UNITED STATES OF AMERICA**

represented by **Rebecca Ross Haywood**  
United States Attorney's Office  
700 Grant Street  
Suite 400  
Pittsburgh, PA 15219  
(412) 644-3500  
Email: rebecca.haywood@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/01/2003		Complaint received on 10/1/03 (nk) (Entered: 10/02/2003)
10/01/2003	1	MOTION by MARVIN ALBERTO VIVAS-MORALES to Proceed in Forma Pauperis with Proposed Order. (nk) (Entered: 10/02/2003)
10/01/2003		CASE REFERRED to Magistrate Judge Susan P. Baxter (nk) (Entered: 10/02/2003)
10/27/2003	2	ORDER granting [1-1] motion to Proceed in Forma Pauperis, The Clerk is directed to file the Complaint pltf shall authorize payment of init. filing fee of \$3.57 plus subsequent monthly payments by returning to Court 1

		of 2 attached copies of Notice with the Auth. Section signed, or shall indicate intent to withdraw action by returning Notice with of Withdraw of action section signed , Parties have 10 days to file Appeal to District Judge. ( signed by Magistrate Judge Susan P. Baxter on 10/27/03 ) CM all parties of record. (nk) (Entered: 10/28/2003)
10/28/2003	3	COMPLAINT (nk) (Entered: 10/28/2003)
10/31/2003	4	AUTHORIZATION by MARVIN ALBERTO VIVAS-MORALES permitting withdraw of prison account funds to pay filing fee. (mad) (Entered: 10/31/2003)
12/19/2003		INITIAL PARTIAL PAY of filing fee by MARVIN ALBERTO VIVAS-MORALES Amount \$ 3.57 Receipt # 04-155 (mad) (Entered: 12/19/2003)
02/02/2004		PARTIAL PAY of filing fee by MARVIN ALBERTO VIVAS-MORALES Amount \$ 3.57 Receipt # 04-217 (mad) (Entered: 02/02/2004)
02/02/2004		PARTIAL PAY of filing fee by MARVIN ALBERTO VIVAS-MORALES Amount \$ 3.57 Receipt # 04-218 (mad) (Entered: 02/02/2004)
03/11/2004	5	ORDER, that the U.S. Marshal is directed to mail a copy of the complaint, summons, and this order to each deft as directed by pltf. Costs shall be advanced by the U.S. Parties have 10 days to file Appeal to District Judge. ( signed by Magistrate Judge Susan P. Baxter on 3/11/04 ) CM all parties of record. As more fully stated in the order. (mad) Modified on 03/12/2004 (Entered: 03/12/2004)
03/12/2004		Mailed services copies to U.S. Marshal. (mad) (Entered: 03/12/2004)
05/03/2004		PARTIAL PAY of filing fee by MARVIN ALBERTO VIVAS-MORALES Amount \$ 3.57 Receipt # 04-369 (mad) (Entered: 05/03/2004)
05/25/2004		PARTIAL PAY of filing fee by MARVIN ALBERTO VIVAS-MORALES Amount \$ 3.57 Receipt # 04-408 (mad) (Entered: 05/25/2004)
06/18/2004	6	MOTION by FEDERAL BUREAU OF PR, JOHN J. LAMANNA, BETH FANTASKY to Extend Time to file a responsive pleading and/or dispositive motion with Proposed Order. (mad) (Entered: 06/22/2004)
06/23/2004		PARTIAL PAY of filing fee by MARVIN ALBERTO VIVAS-MORALES Amount \$ 3.57 Receipt # 04-462 (mad) (Entered: 06/23/2004)
06/28/2004	7	NOTICE of Change of address by MARVIN ALBERTO VIVAS-MORALES as follows: 74 Cutler Street, 2nd Floor, Neward, NJ 07104, (908) 764-4893 (mad) (Entered: 06/28/2004)
07/13/2004		ORDER upon motion granting [6-1] motion to Extend Time to file a

		responsive pleading and/or dispositive motion, set Answer deadline to 7/19/04 for BETH FANTASKY, for JOHN J. LAMANNA, for FEDERAL BUREAU OF PR ( signed by Magistrate Judge Susan P. Baxter on 7/12/04 ) CM all parties of record. (mad) (Entered: 07/14/2004)
07/19/2004	8	MOTION by FEDERAL BUREAU OF PR, JOHN J. LAMANNA to Strike improper defts with Proposed Order. (mad) (Entered: 07/20/2004)
07/19/2004	9	BRIEF by FEDERAL BUREAU OF PR, JOHN J. LAMANNA in support of [8-1] motion to Strike improper defts by JOHN J. LAMANNA, FEDERAL BUREAU OF PR (mad) (Entered: 07/20/2004)
07/19/2004	10	NOTICE of substitution by BETH FANTASKY with proposed order (mad) (Entered: 07/20/2004)
07/19/2004	11	ANSWER to Complaint by UNITED STATES OF AMERICA (Attorney Rebecca Ross Haywood ) (mad) Modified on 12/08/2004 (Entered: 07/21/2004)
07/19/2004	13	BRIEF by FEDERAL BUREAU OF PR, JOHN J. LAMANNA, BETH FANTASKY in support of [8-1] motion to Strike improper defts by JOHN J. LAMANNA, FEDERAL BUREAU OF PR (mad) (Entered: 07/21/2004)
07/19/2004	16	RETURN OF SERVICE executed 4/19/04 Mary Beth Buchanan, US Atty. WDPA (mad) (Entered: 08/10/2004)
07/21/2004	12	MOTION by FEDERAL BUREAU OF PR, JOHN J. LAMANNA, BETH FANTASKY to Strike pltf's Jury Demand with Proposed Order. (mad) (Entered: 07/21/2004)
07/28/2004		ORDER upon motion granting [8-1] motion to Strike improper defts Federal Bureau of Prisons and John J. Lamanna, sued in his official capacity, shall be stricken from from the captions of this case. ( signed by Magistrate Judge Susan P. Baxter on 7/28/04 ) CM all parties of record. (nk) (Entered: 07/29/2004)
07/28/2004		ORDER upon motion granting [12-1] motion to Strike pltf's Jury Demand ( signed by Magistrate Judge Susan P. Baxter on 7/28/04 ) CM all parties of record. (nk) (Entered: 07/29/2004)
08/06/2004	15	RETURN OF SERVICE executed as to JOHN J. LAMANNA 4/20/04 (mad) Modified on 08/10/2004 (Entered: 08/10/2004)
08/06/2004	17	RETURN OF SERVICE executed 4/22/04 John Ashcroft, Attorney General (mad) (Entered: 08/10/2004)
08/06/2004	18	RETURN OF SERVICE executed as to BETH FANTASKY 4/20/04 (mad) (Entered: 08/10/2004)
08/09/2004	14	LETTER to Baxter, M.J. from Sheila Blessing, Admin. Assist. U.S. Marshals Service. (mad) (Entered: 08/10/2004)
12/07/2004	19	CASE MANAGEMENT ORDER setting Discovery cutoff on 3/7/05 ;

		Pretrial Statements for Plaintiffs due 3/28/05 ; Pretrial Statements for Defendants due 4/17/05 ; Parties are allowed 10 days from this date to appeal this order to a district judge. ( signed by Magistrate Judge Susan P. Baxter on 12/7/04 ) CM all parties of record. (mad) (Entered: 12/07/2004)
12/07/2004		ORDER upon motion granting [10-1] notice of Substitution and Certification of Scope of Employment. It is ordered that the USA is substituted as the party deft in place of Beth Fantaskey and that the caption of the action be amended accordingly. It is further ordered that this case is dismissed with prejudice as against Beth Fantaskey. It is further ordered that this action shall proceed as if originally filed against deft USA. ( signed by Magistrate Judge Susan P. Baxter on 12/7/04 ) CM all parties of record. (mad) (Entered: 12/07/2004)
12/08/2004	20	NOTICE of change address by MARVIN ALBERTO VIVAS-MORALES as follows: York County Prison, 3400 Concord Rd., York, PA 17402 (mad) (Entered: 12/08/2004)
01/07/2005		PARTIAL PAY of filing fee by MARVIN ALBERTO VIVAS-MORALES Amount \$ 32.12 Receipt # 05-130 (sdp) (Entered: 01/07/2005)
02/10/2005	21	MOTION by UNITED STATES to Compel Enforcement of Notice of Deposition of Plaintiff Marvin Alberto Vivas-Morales and Responses to Defendant's written discovery with Proposed Order. (nk) (Entered: 02/11/2005)
02/23/2005		ORDER upon motion granting [21-1] motion to Compel Enforcement of Notice of Deposition of Plaintiff Marvin Alberto Vivas-Morales and Responses to Defendant's written discovery , Pltf, Marvin Alberto Vivas-Morales shall fully respond to deft's First Set of-- set Interrogatories and Requests for Production of Documents deadline to 2/23/05 It is further ORDERED that pltf appear for his deposition at the offices of the U.S. Atty.'s Office, 700 Grant Street, Suite 400, Pittsburgh, PA 15219, on Friday 2/25/05 at 9:30 a.m. and remain thereafter until his deposition is completed. ( signed by Judge Sean J. McLaughlin on 2/23/05 ) CM all parties of record. (mad) (Entered: 02/24/2005)
03/14/2005	22	MOTION by UNITED STATES to Extend Time of Discovery , and to Compel enforcement of notice of deposition of pltf Marvin Alberto Vivas-Morales and Responses to Deft's written discovery with Proposed Order. (mad) (Entered: 03/15/2005)
03/29/2005		ORDER upon motion granting [22-1] motion to Extend Time of Discovery, granting [22-2] motion to Compel enforcement of notice of deposition of pltf Marvin Alberto Vivas-Morales, set Discovery deadline to 4/21/05 , setAnswers to Interrogatories deadline to 3/31/05 It is further Ordered that Pltf, Marvin Alberto Vivas-Morales, appear for his deposition at the offices of the U.S. Atty's Office 700 Grant St., Suite 400, Pittsburgh, PA 15219, on 4/8/05 @ 9:30 a.m. and remain thereafter until his deposition is completed. ( signed by Magistrate Judge Susan P.

		Baxter on 3/23/05 ) CM all parties of record. (mad) (Entered: 03/29/2005)
06/02/2005	23	CASE MANAGEMENT ORDER setting Pretrial Statements for Plaintiffs due 6/15/05 ; Pretrial Statements for Defendants due 7/5/05 ; It is further ordered that the parties are allowed 10 days from this date to appeal this order to a district judge. ( signed by Magistrate Judge Susan P. Baxter on 6/1/05 ) CM all parties of record. (mad) (Entered: 06/07/2005)

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